

**U.S. District Court  
Western District of Missouri (Joplin)  
CRIMINAL DOCKET FOR CASE #: 3:14-cr-05022-BCW All Defendants  
*Internal Use Only***

Case title: USA v. Hajny  
Related Case: 3:16-cv-05115-MDH  
Magistrate judge case numbers: 6:14-mj-02034-DPR  
6:14-mj-02043-DPR

Date Filed: 06/10/2014  
Date Terminated: 12/13/2016

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Assigned to: District Judge M. Douglas  
Harpool

**Defendant (1)**

**James Hajny**  
***TERMINATED: 12/13/2016***

represented by **James Hajny**  
26846-045  
TUCSON  
FEDERAL CORRECTIONAL INSTITUTION  
Inmate Mail/Parcels  
8901 S. WILMOT ROAD  
TUCSON, AZ 85706  
Email:  
PRO SE

**Brian David Risley**  
Law Office of Brian Risley  
1441 E Primrose Street  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: CJA Appointment*  
*Bar Status: Active*

**Brady Alexander Musgrave**  
Jones and Musgrave  
400 East Walnut  
Suite 130  
Springfield, MO 65806  
417-866-0110  
Email: [bradymusgravelaw@gmail.com](mailto:bradymusgravelaw@gmail.com)  
***TERMINATED: 11/19/2015***

*Designation: CJA Appointment*

*Bar Status: Active*

**David R. Mercer**

Federal Public Defender's Office – Springfield

901 St. Louis Street

Suite 801

Springfield, MO 65806

417/873–9022

Fax: 417/873–9038

Email: [david\\_mercer@fd.org](mailto:david_mercer@fd.org)

**TERMINATED: 05/20/2014**

*Designation: Public Defender or Community  
Defender Appointment*

*Bar Status: Active*

**Michelle M. Law**

Federal Public Defender's Office – Springfield

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Springfield, MO 65806

(417) 873–9022

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Email: [michelle\\_law@fd.org](mailto:michelle_law@fd.org)

**TERMINATED: 01/21/2015**

*Designation: Public Defender or Community  
Defender Appointment*

*Bar Status: Active*

**Pending Counts**

SELLING OR BUYING OF  
CHILDREN

(1)

SELLING OR BUYING OF  
CHILDREN

(1s)

ACTIVITIES RE MATERIAL  
CONSTITUTING/CONTAINING  
CHILD PORNO

(2–3)

**Disposition**

Dft is committed to the BOP for 30 years on Counts 1 and 4 and 20 years on Counts 2 and 3 of the Superseding Indictment; followed by a Life term of supervised release on Counts 1–4 to run concurrently. No fine or JVT. \$400 MPA; Restitution imposed in the amount of \$3,900 interest waived. Preliminary order of forfeiture is finalized and imposed. Special conditions of supervised release imposed. Court recommends sex offender treatment program at a SOMP facility and that defendant be designated to Texarkana. Dft advised of right to appeal. Dft remanded to custody.

ACTIVITIES RE MATERIAL  
CONSTITUTING/CONTAINING  
CHILD PORNO  
(2s)

ACTIVITIES RE MATERIAL  
CONSTITUTING/CONTAINING  
CHILD PORNO  
(3s)

SELLING OR BUYING OF  
CHILDREN  
(4s)

Dft is committed to the BOP for 30 years on Counts 1 and 4 and 20 years on Counts 2 and 3 of the Superseding Indictment; followed by a Life term of supervised release on Counts 1–4 to run concurrently. No fine or JVT. \$400 MPA; Restitution imposed in the amount of \$3,900 interest waived. Preliminary order of forfeiture is finalized and imposed. Special conditions of supervised release imposed. Court recommends sex offender treatment program at a SOMP facility and that defendant be designated to Texarkana. Dft advised of right to appeal. Dft remanded to custody.

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

18:2251.F, 18:2252A.F

**Disposition**

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Assigned to: District Judge Brian  
C. Wimes

**Defendant (2)**

**Gina Hajny**

***TERMINATED: 03/09/2016***

represented by **Erica Mynarich**

Carver, Cantin and Mynarich, LLC  
901 East St. Louis Street  
Suite 1600  
Springfield, MO 65806  
417-831-6363  
Fax: 417-831-7373  
Email: [erica@carvercantin.com](mailto:erica@carvercantin.com)

*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*  
*Bar Status: Active*

**Pending Counts**

SEXUAL EXPLOITATION OF  
MINORS  
(1s)

**Disposition**

Dft is committed to BOP for term of 60 mos on Ct  
1s of Superseding Information followed by 10 yrs  
supervised Release. Standard/Special conditions  
imposed. Costs/Fines–Waived. MPA–\$100.00.  
Restitution–\$4000.00. Preliminary order of  
forfeiture entered 11/13/15 is finalized and  
imposed. Court recommends dft be designated for  
participation in the sexual offender treatment  
program. Dft advised of right to appeal. Dft  
remanded to custody of USM.

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

SELLING OR BUYING OF  
CHILDREN  
(4)

**Disposition**

Dismissed Upon gov't Motion

**Highest Offense Level**  
**(Terminated)**

Felony

**Complaints**

18:2251.F

**Disposition**

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**Plaintiff**

USA

represented by **Ami Harshad Patel Miller**  
United States Attorney's Office–Spgfd  
901 St. Louis Street  
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(417) 831–4406  
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Email: [ami.miller@usdoj.gov](mailto:ami.miller@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Assistant US Attorney*  
*Bar Status: Active*

**Patrick Carney**

United States Attorney's Office—Spgfd  
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Springfield, MO 65806–2511

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Fax: (417) 831–0078

Email: [patrick.carney@usdoj.gov](mailto:patrick.carney@usdoj.gov)

**TERMINATED: 02/02/2016**

*Designation: Assistant US Attorney*

*Bar Status: Active*

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Page	Docket Text
05/19/2014	<u>1</u>		COMPLAINT as to James Hajny (1). (Attachments: # <u>1</u> Affidavit) (Schroepel, Kerry) [6:14–mj–02034–DPR] (Entered: 05/19/2014)
05/19/2014	<u>2</u>		Minute Entry for proceedings held before Magistrate Judge David P Rush: INITIAL APPEARANCE as to James Hajny held on 5/20/2014. To order a transcript of this hearing please contact Kerry Schroepel, 417–865–3869. (Schroepel, Kerry) [6:14–mj–02034–DPR] (Entered: 05/20/2014)
05/19/2014	<u>3</u>		AFFIDAVIT of Financial Status of James Hajny. (Schroepel, Kerry) [6:14–mj–02034–DPR] (Entered: 05/20/2014)
05/19/2014	<u>4</u>		ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to James Hajny (Schroepel, Kerry) [6:14–mj–02034–DPR] (Entered: 05/20/2014)
05/19/2014	5		NOTICE OF HEARING as to James Hajny. <b>This is the official notice for this hearing.</b> Detention and Preliminary Hearings set for 5/22/2014 01:30 PM in Magistrate Courtroom, Springfield (DPR) before Magistrate Judge David P Rush. <b>This is a TEXT ONLY ENTRY. No document is attached.</b> (Schroepel, Kerry) [6:14–mj–02034–DPR] (Entered: 05/20/2014)
05/19/2014			ARREST of James Hajny (Anderson, Christy) [6:14–mj–02034–DPR] (Entered: 05/20/2014)
05/20/2014	6		ARREST WARRANT RETURNED EXECUTED on 5/19/14 as to James Hajny. This document contains original signatures of non attorneys and is being maintained in a paper file at the court.(Anderson, Christy) [6:14–mj–02034–DPR] (Entered: 05/20/2014)
05/20/2014	<u>7</u>		NOTICE OF ATTORNEY APPEARANCE – Michelle M. Law appearing for James Hajny. (Attorney Michelle M. Law added to party James Hajny(pty:dft))(Law, Michelle) [6:14–mj–02034–DPR] (Entered: 05/20/2014)
05/20/2014	<u>8</u>		MOTION for detention hearing by USA as to James Hajny. Suggestions in opposition/response due by 6/6/2014 unless otherwise directed by the court. (Carney, Patrick) [6:14–mj–02034–DPR] (Entered: 05/20/2014)
05/22/2014	<u>10</u>		Minute Entry for proceedings held before Magistrate Judge David P Rush: PRELIMINARY and DETENTION HEARINGS as to James Hajny held on

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		5/22/2014. Court finds probable cause and orders the matter held for further proceedings. Court will issue a written order on detention. Dft remains in custody. To order a transcript of this hearing please contact Karen Siegert, 417-225-7701. (Siegert, Karen) Modified on 5/22/2014 (Siegert, Karen). [6:14-mj-02034-DPR] (Entered: 05/22/2014)
05/27/2014	<u>11</u>	ORDER granting <u>8</u> motion for detention hearing as to James Hajny (1). Defendant is detained without bail. Signed on 5/27/14 by Magistrate Judge David P Rush. (Siegert, Karen) [6:14-mj-02034-DPR] (Entered: 05/27/2014)
06/10/2014	<u>12</u>	INDICTMENT as to James Hajny (1) count(s) 1, 2-3. (Anderson, Christy) (Entered: 06/11/2014)
06/10/2014	<u>13</u>	ORDER REFERRING CASE to Magistrate Judge David P Rush as to James Hajny. Signed on 6/10/14 by District Judge Brian C. Wimes.(Anderson, Christy) (Entered: 06/11/2014)
06/10/2014	<u>14</u>	ORDER AUTHORIZING TEMPORARY TRANSFER OF CUSTODY ON CONSENT as to James Hajny. (Anderson, Christy) (Entered: 06/11/2014)
06/11/2014	15	NOTICE OF HEARING as to James Hajny. <b>This is the official notice for this hearing.</b> Initial Appearance, Arraignment and Scheduling Conference set for 6/19/2014 09:45 AM in Magistrate Courtroom, Springfield (DPR) before Magistrate Judge David P Rush. <b>This is a TEXT ONLY ENTRY. No document is attached.</b> (Schroeppel, Kerry) (Entered: 06/11/2014)
06/12/2014	16	<b>NOTICE OF HEARING</b> as to James Hajny. <b>This is the official notice for this hearing.</b> Initial Appearance, Arraignment and Scheduling Conference set for 6/19/2014 <b>continued to 6/23/2014 09:45 AM</b> in Magistrate Courtroom, Springfield (DPR) before Magistrate Judge David P Rush. <b>This is a TEXT ONLY ENTRY. No document is attached.</b> (Schroeppel, Kerry) (Entered: 06/12/2014)
06/23/2014	<u>17</u>	Minute Entry for proceedings held before Magistrate Judge David P Rush: INITIAL APPEARANCE, ARRAIGNMENT and SCHEDULING CONFERENCE as to James Hajny held on 6/23/2014. Dft enters plea of not guilty. Dft in custody. To order a transcript of this hearing please contact Kerry Schroeppel, 417-865-3869. (Schroeppel, Kerry) (Entered: 06/23/2014)
06/23/2014	<u>18</u>	SCHEDULING AND TRIAL ORDER as to James Hajny (Schroeppel, Kerry) (Entered: 06/23/2014)
07/10/2014	1	NOTICE OF HEARING as to Gina Hajny. <b>This is the official notice for this hearing.</b> Initial Appearance on Complaint set for 7/11/2014 09:30 AM in Magistrate Courtroom, Springfield (DPR) before Magistrate Judge James C. England. <b>This is a TEXT ONLY ENTRY. No document is attached.</b> (Schroeppel, Kerry) [6:14-mj-02043-DPR] (Entered: 07/10/2014)
07/11/2014	<u>2</u>	MOTION for detention hearing by USA as to Gina Hajny. Suggestions in opposition/response due by 7/28/2014 unless otherwise directed by the court. (Carney, Patrick) [6:14-mj-02043-DPR] (Entered: 07/11/2014)
07/11/2014	<u>3</u>	Minute Entry for proceedings held before Magistrate Judge James C. England: INITIAL APPEARANCE as to Gina Hajny held on 7/11/2014. Dft in custody. To order a transcript of this hearing please contact Karen Siegert, 417-225-7701. (Siegert, Karen) (Main Document 3 replaced on 7/11/2014

		and NEF regenerated to recipients) (Siegert, Karen). [6:14-mj-02043-DPR] (Entered: 07/11/2014)
07/11/2014	<u>4</u>	AFFIDAVIT of Financial Status of Gina Hajny. (Siegert, Karen) [6:14-mj-02043-DPR] (Entered: 07/11/2014)
07/11/2014	<u>5</u>	ORDER APPOINTING COUNSEL UNDER CJA as to Gina Hajny. Erica Mynarich for Gina Hajny appointed. Signed on 7/11/14 by Magistrate Judge James C. England.(Siegert, Karen) [6:14-mj-02043-DPR] (Entered: 07/11/2014)
07/11/2014	6	NOTICE OF HEARING as to Gina Hajny. <b>This is the official notice for this hearing.</b> Preliminary Hearing and Detention Hearing set for 7/15/2014 11:30 AM in Magistrate Courtroom, Springfield (DPR) before Magistrate Judge David P Rush. <b>This is a TEXT ONLY ENTRY. No document is attached.</b> (Siegert, Karen) [6:14-mj-02043-DPR] (Entered: 07/11/2014)
07/11/2014	<u>7</u>	COMPLAINT as to Gina Hajny (1). (Attachments: # <u>1</u> Affidavit) (Schroeppel, Kerry) [6:14-mj-02043-DPR] (Entered: 07/11/2014)
07/11/2014		ARREST of Gina Hajny (Anderson, Christy) [6:14-mj-02043-DPR] (Entered: 07/16/2014)
07/15/2014	<u>10</u>	Minute Entry for proceedings held before Magistrate Judge David P Rush: PRELIMINARY and DETENTION HEARINGS as to Gina Hajny held on 7/15/2014. Matter held for Grand Jury or Other Proceedings. Dft in custody. To order a transcript of this hearing please contact Kerry Schroeppel, 417-865-3869. (Schroeppel, Kerry) [6:14-mj-02043-DPR] (Entered: 07/15/2014)
07/15/2014	<u>11</u>	ORDER as to Gina Hajny (1) granting <u>2</u> Motion for Pretrial Detention, dft detained without bail. (Schroeppel, Kerry) [6:14-mj-02043-DPR] (Entered: 07/15/2014)
07/16/2014	<u>19</u>	ORDER setting pretrial conference as to James Hajny; Pretrial Conference set for 7/29/2014 10:30 AM in Magistrate Courtroom, Springfield (DPR) before Magistrate Judge David P Rush.(Schroeppel, Kerry) (Entered: 07/16/2014)
07/16/2014	12	ARREST WARRANT RETURNED EXECUTED on 7/11/14 as to Gina Hajny. This document contains original signatures of non attorneys and is being maintained in a paper file at the court.(Anderson, Christy) [6:14-mj-02043-DPR] (Entered: 07/16/2014)
07/23/2014	<u>21</u>	SUPERSEDING INDICTMENT as to James Hajny (1) count(s) 1s, 2s-3s, 4s, Gina Hajny (2) count(s) 4. (Anderson, Christy) (Entered: 07/24/2014)
07/23/2014	<u>22</u>	ORDER REFERRING CASE to Magistrate Judge David P Rush as to Gina Hajny. Signed on 7/23/14 by District Judge Brian C. Wimes.(Anderson, Christy) (Entered: 07/24/2014)
07/23/2014	<u>23</u>	ORDER AUTHORIZING TEMPORARY TRANSFER OF CUSTODY ON CONSENT as to Gina Hajny. (Anderson, Christy) (Entered: 07/24/2014)
07/24/2014	20	NOTICE OF HEARING as to James Hajny. <b>This is the official notice for this hearing.</b> Arraignment on SS Indictment set for 7/29/2014 10:30 AM in Magistrate Courtroom, Springfield (DPR) before Magistrate Judge David P



		Rush. <b>This is a TEXT ONLY ENTRY. No document is attached.</b> (Schroeppel, Kerry) (Entered: 07/24/2014)
07/24/2014	<u>24</u>	NOTICE OF HEARING as to Gina Hajny. <b>This is the official notice for this hearing.</b> Arraignment and Scheduling Conference on SS Indictment set for 7/29/2014 10:30 AM in Magistrate Courtroom, Springfield (DPR) before Magistrate Judge David P Rush. <b>This is a TEXT ONLY ENTRY. No document is attached.</b> (Schroeppel, Kerry) (Entered: 07/24/2014)
07/24/2014	<u>25</u>	AMENDED NOTICE OF HEARING as to James Hajny. <b>This is the official notice for this hearing.</b> Arraignment set for <b>7/30/2014 09:30 AM in Magistrate Courtroom, Springfield (DPR) before Magistrate Judge David P Rush.</b> <b>This is a TEXT ONLY ENTRY. No document is attached.</b> (Schroeppel, Kerry) (Entered: 07/24/2014)
07/29/2014	<u>26</u>	Minute Entry for proceedings held before Magistrate Judge David P Rush: ARRAIGNMENT and SCHEDULING CONFERENCE as to Gina Hajny held on 7/29/2014. Dft enters plea of not guilty; dft in custody. To order a transcript of this hearing please contact Kerry Schroeppel, 417-865-3869. (Schroeppel, Kerry) (Entered: 07/29/2014)
07/29/2014	<u>27</u>	SCHEDULING AND TRIAL ORDER as to Gina Hajny (Schroeppel, Kerry) (Entered: 07/29/2014)
07/30/2014	<u>28</u>	Minute Entry for proceedings held before Magistrate Judge David P Rush: ARRAIGNMENT and SCHEDULING CONFERENCE as to James Hajny held on 7/30/2014. Dft enters plea of not guilty. Dft in custody. To order a transcript of this hearing please contact Kerry Schroeppel, 417-865-3869. (Schroeppel, Kerry) (Entered: 07/30/2014)
07/30/2014	<u>29</u>	WAIVER of Speedy Trial by James Hajny (Law, Michelle) (Entered: 07/30/2014)
07/31/2014	<u>30</u>	MOTION to continue <i>and Extension of Time to File Pretrial Motions</i> by James Hajny. Suggestions in opposition/response due by 8/18/2014 unless otherwise directed by the court. (Law, Michelle) (Entered: 07/31/2014)
08/01/2014	<u>31</u>	ORDER as to James Hajny granting <u>30</u> MOTION for Extension of Time to File Pretrial Motions filed by James Hajny. Pretrial motions due January 30, 2015. Signed on 8/1/14 by Magistrate Judge David P Rush.(Diefenbach, Tracy) (Entered: 08/01/2014)
08/01/2014	<u>32</u>	ORDER granting motion to continue <u>30</u> . The case as to defendants James Hajny, Gina Hajny is continued. Accelerated Jury Trial set for 3/30/2015 09:00 AM before District Judge Brian C. Wimes. Signed on 8/1/14 by Magistrate Judge David P Rush. (Diefenbach, Tracy) (Entered: 08/01/2014)
01/20/2015	<u>33</u>	MOTION to withdraw as attorney by Michelle M. Law. by James Hajny. Suggestions in opposition/response due by 2/6/2015 unless otherwise directed by the court. (Law, Michelle) (Entered: 01/20/2015)
01/21/2015	<u>34</u>	ORDER as to James Hajny granting <u>33</u> <i>Motion to Withdraw as Attorney</i> ; Michelle M. Law terminated; Brady Alexander Musgrave appointed as attorney of record.(Schroeppel, Kerry) (Entered: 01/21/2015)
02/19/2015	<u>36</u>	



		ORDER setting pretrial conference as to James Hajny and Gina Hajny. Pretrial Conference set for 2/19/2015 09:30 AM in Magistrate Courtroom, Springfield (DPR) before Magistrate Judge David P Rush.(Burch, C. Steve) (Entered: 02/19/2015)
02/19/2015	<u>37</u>	AMENDED ORDER setting pretrial conference as to James Hajny and Gina Hajny. Pretrial Conference set for 3/3/2015 09:30 AM in Magistrate Courtroom, Springfield (DPR) before Magistrate Judge David P Rush.(Burch, C. Steve) (Entered: 02/19/2015)
02/24/2015	<u>38</u>	MOTION to continue by James Hajny. Suggestions in opposition/response due by 3/13/2015 unless otherwise directed by the court. (Attachments: # <u>1</u> Exhibit Speedy Trial Waiver)(Musgrave, Brady) (Entered: 02/24/2015)
02/25/2015	<u>39</u>	ORDER as to James Hajny and Gina Hajny granting <u>38</u> Motion to Continue; vacating 3/3/2015 pretrial conference; case continued to 9/21/2015 Joint Criminal Trial Docket. (Schroeppel, Kerry) (Entered: 02/25/2015)
08/13/2015	<u>40</u>	ORDER setting pretrial conference as to James Hajny and Gina Hajny. Pretrial Conference set for 8/25/2015 09:30 AM in MJ Courtroom, Springfield (DPR) before Magistrate Judge David P Rush.(Burch, C. Steve) (Entered: 08/13/2015)
08/19/2015	41	NOTICE OF HEARING as to Gina Hajny. <b>This is the official notice for this hearing.</b> Pretrial conference set 8/25/2015 vacated; Change of Plea Hearing set for 8/21/2015 09:30 AM in MJ Courtroom, Springfield (DPR) before Magistrate Judge David P Rush. <b>This is a TEXT ONLY ENTRY. No document is attached.</b> (Schroeppel, Kerry) (Entered: 08/19/2015)
08/19/2015	42	NOTICE OF HEARING as to Gina Hajny. <b>This is the official notice for this hearing.</b> Change of Plea Hearing for 8/21/2015 has been <b>RESET</b> from 9:30 AM to 01:30 PM in MJ Courtroom, Springfield (DPR) before Magistrate Judge David P Rush. <b>This is a TEXT ONLY ENTRY. No document is attached.</b> (Anderson, Christy) (Entered: 08/19/2015)
08/21/2015	<u>43</u>	WAIVER OF INDICTMENT by Gina Hajny (Schroeppel, Kerry) (Entered: 08/21/2015)
08/21/2015	<u>44</u>	SUPERSEDING INFORMATION as to Gina Hajny (2) count(s) 1s. (Schroeppel, Kerry) (Entered: 08/21/2015)
08/21/2015	<u>45</u>	Minute Entry for proceedings held before Magistrate Judge David P Rush: WAIVER OF INDICTMENT, PLEA HEARING as to Gina Hajny held on 8/21/2015. Court will enter a report and recommendation. Def in custody. To order a transcript of this hearing please contact Kerry Schroeppel, 417-865-3869. (Schroeppel, Kerry) (Entered: 08/21/2015)
08/21/2015	<u>46</u>	NOTICE Regarding Entry of a Plea of Guilty as to Gina Hajny (Schroeppel, Kerry) (Entered: 08/21/2015)
08/21/2015	<u>47</u>	REPORT AND RECOMMENDATIONS on Plea of Guilty as to Gina Hajny, Objections to R&R due by 9/8/2015(Schroeppel, Kerry) (Entered: 08/21/2015)
08/21/2015	<u>48</u>	PLEA AGREEMENT as to Gina Hajny (Carney, Patrick) (Entered: 08/21/2015)

08/24/2015	<u>49</u>		MOTION to continue by James Hajny. Suggestions in opposition/response due by 9/11/2015 unless otherwise directed by the court. (Musgrave, Brady) (Entered: 08/24/2015)
08/24/2015	<u>50</u>		ORDER as to James Hajny granting <u>49</u> <i>Motion to Continue</i> , vacating 8/25/2015 pretrial conference, case continued to 1/04/2016 Joint Criminal Trial Docket. (Schroeppel, Kerry) (Entered: 08/24/2015)
08/26/2015	<u>51</u>		ELECTRONIC TRANSCRIPT as to Gina Hajny of HEARING ON WAVIER OF INDICTMENT AND PLEA TO SUPERSEDING INFORMATION held August 21, 2015 before Judge David P. Rush. Court Reporter: Lissa Whittaker, 816-914-3613, rapidtranscript@gmail.com. Number of pages: 12. NOTICE RE: REDACTION OF TRANSCRIPTS: Within 7 calendar days of this filing, each party shall inform the Court, by filing a Notice of Redaction, of the parties' intent to redact personal data identifiers from the electronic transcript of the court proceeding. The policy is located on our website at www.mow.uscourts.gov. Please read this policy carefully. <b>NOTICE: Attorneys must contact the court reporter for copies during this 90 day period. Notice of Intent to File Redaction of Transcripts due by 9/3/2015. Release of Transcript Restriction set for 11/27/2015.</b> (Whittaker, Lissa) (Entered: 08/26/2015)
09/09/2015	<u>52</u>		ACCEPTANCE of Plea of Guilty and Adjudication of Guilt as to Gina Hajny adopting <u>47</u> REPORT AND RECOMMENDATIONS on Plea of Guilty. (Schroeppel, Kerry) (Entered: 09/09/2015)
10/19/2015	<u>53</u>		MOTION for forfeiture of property <i>for a Preliminary Order of Forfeiture</i> by USA as to Gina Hajny. Suggestions in opposition/response due by 11/5/2015 unless otherwise directed by the court. (Carney, Patrick) (Entered: 10/19/2015)
10/29/2015	<u>54</u>		LETTER from James Hajny re violation of Due Process by not receiving discovery. (Attachments: # <u>1</u> Envelope) (McDowell, Shelly) (Additional attachment(s) added on 11/9/2015: # <u>2</u> Letter to Marsha Jackson) (McDowell, Shelly). (Entered: 11/09/2015)
11/13/2015	<u>55</u>		ORDER granting <u>53</u> motion for forfeiture of property as to Gina Hajny (2). Signed on November 13, 2015 by District Judge Brian C. Wimes. (McDowell, Shelly) (Entered: 11/13/2015)
11/13/2015	<u>56</u>		MOTION to withdraw as attorney by Brady A Musgrave. by James Hajny. Suggestions in opposition/response due by 11/30/2015 unless otherwise directed by the court. (Musgrave, Brady) (Entered: 11/13/2015)
11/16/2015	<u>57</u>		NOTICE OF HEARING as to James Hajny. <b>This is the official notice for this hearing.</b> Status Conference set for 11/19/2015 02:00 PM in MJ Courtroom, Springfield (DPR) before Magistrate Judge David P. Rush. <b>This is a TEXT ONLY ENTRY. No document is attached.</b> (Schroeppel, Kerry) (Entered: 11/16/2015)
11/19/2015	<u>58</u>		PRO SE MOTION dismiss counsel by James Hajny. Suggestions in opposition/response due by 12/7/2015 unless otherwise directed by the court. (Attachments: # <u>1</u> Envelope)(Anderson, Christy) (Entered: 11/19/2015)
11/19/2015	<u>59</u>		PRO SE MOTION for discovery by James Hajny. Suggestions in opposition/response due by 12/7/2015 unless otherwise directed by the court.

		(Attachments: # <u>1</u> Envelope)(Anderson, Christy) (Entered: 11/19/2015)
11/19/2015	<u>60</u>	Minute Entry for proceedings held before Magistrate Judge David P. Rush: STATUS CONFERENCE as to James Hajny held on 11/19/2015; granting <u>56</u> <i>Motion to Withdraw as Attorney</i> , Brady Alexander Musgrave withdrawn from case; finding as moot <u>58</u> <i>Motion to Dismiss Counsel</i> . To order a transcript of this hearing please contact Kerry Schroepfel, 417-865-3869. (Schroepfel, Kerry) (Entered: 11/19/2015)
11/19/2015	<u>61</u>	ORDER APPOINTING COUNSEL UNDER CJA replacing previous CJA counsel in felony proceedings as to James Hajny. Brian David Risley appointed as attorney of record. (Attachments: # <u>1</u> CJA Notice)(Schroepfel, Kerry) (Entered: 11/19/2015)
11/24/2015	<u>62</u>	ORDER setting pretrial conference as to James Hajny; Pretrial Conference set for 12/8/2015 09:30 AM in MJ Courtroom, Springfield (DPR) before Magistrate Judge David P. Rush.(Schroepfel, Kerry) (Entered: 11/24/2015)
11/25/2015	<u>65</u>	PRO SE NOTICE of filing correspondence by James Hajny re <u>59</u> MOTION for discovery (Attachments: # <u>1</u> Envelope)(Martin, Jan) (Entered: 12/01/2015)
11/30/2015		Accelerated Jury Trial set for 1/4/2016 09:00 AM in Courtroom 2, Springfield (VJC) before District Judge Brian C. Wimes. <b>This is a TEXT ONLY ENTRY. No document is attached.</b> (Schroepfel, Kerry) (Entered: 11/30/2015)
11/30/2015	<u>63</u>	NOTICE OF ATTORNEY APPEARANCE – Brian David Risley appearing for James Hajny. (Risley, Brian) (Entered: 11/30/2015)
11/30/2015	<u>64</u>	MOTION to continue <i>Trial Setting</i> by James Hajny. Suggestions in opposition/response due by 12/17/2015 unless otherwise directed by the court. (Risley, Brian) (Entered: 11/30/2015)
12/01/2015	<u>66</u>	ORDER as to James Hajny (1) granting <u>64</u> <i>Motion to Continue</i> ; vacating 12/8/2015 pretrial conference. Case continued to Accelerated Jury Trial set for 4/25/2016 09:00 AM. (Schroepfel, Kerry) (Entered: 12/01/2015)
01/08/2016	<u>68</u>	NOTICE of filing <i>Declaration of Publication</i> by USA as to Gina Hajny (Attachments: # <u>1</u> Certification)(Bohling, James) (Entered: 01/08/2016)
01/25/2016	69	NOTICE OF HEARING as to Gina Hajny. <b>This is the official notice for this hearing.</b> Sentencing set for 03/07/2016 01:30 PM in BK Courtroom – Springfield before District Judge Brian C. Wimes. Signed on 01/25/16 by District Judge Brian C. Wimes. <b>This is a TEXT ONLY ENTRY. No document is attached.</b> (McDowell, Shelly) (Entered: 01/25/2016)
02/01/2016	<u>70</u>	NOTICE OF ATTORNEY APPEARANCE Ami Harshad Patel Miller appearing for USA. (Attorney Ami Harshad Patel Miller added to party USA(pty:pla))(Miller, Ami) (Entered: 02/01/2016)
02/08/2016	71	NOTICE OF HEARING as to Gina Hajny. <b>This is the official notice for this hearing.</b> Sentencing <b>RESET</b> for 3/1/2016 at 1:30 p.m., in BK Courtroom – Springfield before District Judge Brian C. Wimes. Signed on 2/8/16 by District Judge Brian C. Wimes. <b>This is a TEXT ONLY ENTRY. No document is attached.</b> (Baldwin, Joella) (Entered: 02/08/2016)
02/25/2016	<u>73</u>	

		SENTENCING MEMORANDUM by Gina Hajny. (Attachments: # <u>1</u> Ex. A Executive Summary, # <u>2</u> Ex. B Letter of Support, # <u>3</u> Ex. C Course certificates)(Mynarich, Erica) (Entered: 02/25/2016)
02/26/2016	<u>74</u>	MOTION to file out of time <i>An Additional Objection to The Presentence Report</i> by Gina Hajny. Suggestions in opposition/response due by 3/14/2016 unless otherwise directed by the court. (Mynarich, Erica) (Entered: 02/26/2016)
03/01/2016	<u>75</u>	LETTER from James Hajny re violation of civil rights. (McDowell, Shelly) (Entered: 03/03/2016)
03/01/2016	77	Minute Entry for proceedings held before District Judge Brian C. Wimes: SENTENCING held on 3/1/2016 for Gina Hajny (2), Count(s) 1s: Court began: 1:27 p.m.– Court adjourned: 2:18 p.m.; Patrick Carney, AUSA. Erica Mynarich, CJA; USSPTS: Roxana Stone. Defendant sentenced to FBOP for 60 months on Count 1s of the Superseding Information followed by 10 yrs Supervised Release. Preliminary Order of forfeiture entered 11/13/15 is finalized and imposed. Defendant is advised of right to appeal. Defendant remanded to custody of USM. Count(s) 4, Dismissed Upon gov't Motion. **This is a TEXT entry only, no document is attached.**To order a transcript of this hearing please contact Denise Halasey, 816–512–5657. (Anderson, Christy) (Entered: 03/09/2016)
03/03/2016	<u>76</u>	ORDER denying <u>59</u> motion for discovery as to James Hajny (1). Signed on 03/03/16 by District Judge Brian C. Wimes. (McDowell, Shelly) (Entered: 03/03/2016)
03/09/2016	<u>78</u>	JUDGMENT and COMMITMENT as to Gina Hajny (2), Count(s) 1s, Dft is committed to BOP for term of 60 mos on Ct 1s of Superseding Information followed by 10 yrs supervised Release. Standard/Special conditions imposed. Costs/Fines–Waived. MPA–\$100.00. Restitution–\$4000.00. Preliminary order of forfeiture entered 11/13/15 is finalized and imposed. Court recommends dft be designated for participation in the sexual offender treatment program. Dft advised of right to appeal. Dft remanded to custody of USM.; Count(s) 4, Dismissed Upon gov't Motion. Signed on 3/9/16 by District Judge Brian C. Wimes.(Anderson, Christy) (Entered: 03/09/2016)
03/23/2016	79	NOTICE OF HEARING as to James Hajny. <b>This is the official notice for this hearing.</b> Status Conference set for 3/29/2016 09:30 AM in MJ Courtroom, Springfield (DPR) before Magistrate Judge David P. Rush. <b>This is a TEXT ONLY ENTRY. No document is attached.</b> (Burch, C. Steve) (Entered: 03/23/2016)
03/23/2016	<u>80</u>	Correspondence from James Hajny. (Burch, C. Steve) Modified on 3/24/2016 to unseal entry (McDowell, Shelly). (Entered: 03/23/2016)
03/25/2016	<u>81</u>	ORDER setting pretrial conference as to James Hajny. Pretrial Conference set for 4/5/2016 09:30 AM in MJ Courtroom, Springfield (DPR) before Magistrate Judge David P. Rush. Case placed on the 4/25/2016 Accelerated Jury Trial docket.(Burch, C. Steve) (Entered: 03/25/2016)
03/29/2016	<u>82</u>	Minute Entry for proceedings held before Magistrate Judge David P. Rush: STATUS CONFERENCE as to James Hajny held on 3/29/2016. To order a transcript of this hearing please contact Steve Burch, 417–865–3869.

		DEFENDANT IN CUSTODY. (Burch, C. Steve) (Entered: 03/29/2016)
04/01/2016	<u>83</u>	LETTER from James Hajny re 3/29/16 status conference and ineffective counsel. (Attachments: # <u>1</u> Envelope) (Melvin, Greg) (Entered: 04/01/2016)
04/05/2016	<u>84</u>	Minute Entry for proceedings held before Magistrate Judge David P. Rush: PRETRIAL CONFERENCE as to James Hajny held on 4/5/2016. To order a transcript of this hearing please contact Steve Burch, 417-865-3869. DEFENDANT IN CUSTODY. (Burch, C. Steve) (Entered: 04/05/2016)
04/05/2016	<u>85</u>	MOTION to continue by James Hajny. Suggestions in opposition/response due by 4/22/2016 unless otherwise directed by the court. (Risley, Brian) (Entered: 04/05/2016)
04/05/2016	<u>86</u>	PRO SE MOTION to appoint new counsel by James Hajny. Suggestions in opposition/response due by 4/22/2016 unless otherwise directed by the court. (Attachments: # <u>1</u> Envelope)(Martin, Jan) (Entered: 04/06/2016)
04/06/2016	<u>87</u>	ORDER granting motion to continue <u>85</u> as to James Hajny (1). Accelerated Jury Trial set for 7/11/2016 09:00 AM. (Burch, C. Steve) (Entered: 04/06/2016)
04/08/2016	<u>88</u>	JUDGMENT RETURNED executed as to Gina Hajny on 3/29/2016. This document contains original signatures of non attorneys and is being maintained in a paper file at the court.(Schroeppel, Kerry) (Entered: 04/08/2016)
04/14/2016	<u>89</u>	PRO SE SECOND MOTION to appoint counsel by James Hajny. Suggestions in opposition/response due by 5/2/2016 unless otherwise directed by the court. (Attachments: # <u>1</u> Envelope)(Anderson, Christy) (Entered: 04/14/2016)
05/02/2016	<u>90</u>	MOTION for forfeiture of property <i>For a Final Order of Forfeiture</i> by USA as to Gina Hajny. Suggestions in opposition/response due by 5/19/2016 unless otherwise directed by the court. (Carney, Patrick) (Entered: 05/02/2016)
05/16/2016	<u>91</u>	THIRD PRO SE MOTION to appoint counsel filed by James Hajny. Suggestions in opposition/response due by 6/3/2016 unless otherwise directed by the court. (Attachments: # <u>1</u> Envelope)(Melvin, Greg) (Entered: 05/18/2016)
05/23/2016	<u>92</u>	ORDER GRANTING <u>90</u> Motion for a Final Order of Forfeiture as to Gina Hajny (2). Signed on 05/23/16 by District Judge Brian C. Wimes. (McDowell, Shelly) (Entered: 05/23/2016)
05/25/2016	<u>93</u>	MOTION Status Conference by James Hajny. Suggestions in opposition/response due by 6/13/2016 unless otherwise directed by the court. (Risley, Brian) (Entered: 05/25/2016)
05/25/2016	<u>94</u>	PRO SE MOTION to appoint new counsel by James Hajny. Suggestions in opposition/response due by 6/13/2016 unless otherwise directed by the court. (Attachments: # <u>1</u> Envelope)(Martin, Jan) (Entered: 05/27/2016)
06/01/2016	<u>96</u>	PRO SE SUGGESTIONS in support by James Hajny re <u>94</u> MOTION to appoint counsel (Attachments: # <u>1</u> Envelope)(Martin, Jan) (Entered: 06/02/2016)
06/02/2016	<u>95</u>	



		NOTICE OF HEARING as to James Hajny. <b>This is the official notice for this hearing.</b> Status Conference set for 6/7/2016 02:00 PM in MJ Courtroom, Springfield (DPR) before Magistrate Judge David P. Rush. <b>This is a TEXT ONLY ENTRY. No document is attached.</b> (Burch, C. Steve) (Entered: 06/02/2016)
06/07/2016	<u>97</u>	ORDER setting pretrial conference as to James Hajny. Pretrial Conference set for 6/21/2016 09:30 AM in MJ Courtroom, Springfield (DPR) before Magistrate Judge David P. Rush. Case placed on 7/11/2016 Accelerated Jury Trial docket. (Burch, C. Steve) (Entered: 06/07/2016)
06/08/2016	<u>98</u>	Minute Entry for proceedings held before Magistrate Judge David P. Rush: STATUS CONFERENCE as to James Hajny held on 6/7/2016. Time in court: 2:31 p.m. to 2:54 p.m. To order a transcript of this hearing please contact Steve Burch, 417-865-3869. DEFENDANT IN CUSTODY. (Burch, C. Steve) Modified on 6/9/2016 correcting docket text to reflect correct date held (Siegert, Karen). (Entered: 06/08/2016)
06/16/2016	99	ADMINISTRATIVE MOTION for Writ of Habeas Corpus ad testificandum by James Hajny. (Burch, C. Steve) (Entered: 06/16/2016)
06/16/2016	<u>100</u>	ORDER granting 99 motion for Writ of Habeas Corpus ad testificandum as to James Hajny (1). (Burch, C. Steve) (Entered: 06/16/2016)
06/16/2016		Writ of Habeas Corpus ad Testificandum issued requiring Gina Hajny to appear on 7/11/2016 in the case of James Hajny. This is a text entry only – no document is attached.(Burch, C. Steve) (Entered: 06/16/2016)
06/21/2016	101	ORDER. With the consent of United States District Judge, Brian C. Wimes, before the Court are the following motions filed by Defendant James Hajny (1): Pro Se Motion to Appoint New Counsel <u>86</u> ; Pro Se Second Motion to Appoint Counsel <u>89</u> ; Third Pro Se Motion to Appoint Counsel <u>91</u> ; and Pro Se Motion to Appoint New Counsel <u>94</u> . The Court, having previously heard oral argument regarding Defendant's claims toward ineffective counsel in two separate Status Conference hearings (dated 3/29/2016 and 6/8/2016), denies said motions. <b>This is a TEXT ONLY ENTRY. No document is attached.</b> (Burch, C. Steve) (Entered: 06/21/2016)
06/21/2016	<u>102</u>	Minute Entry for proceedings held before Magistrate Judge David P. Rush: PRETRIAL CONFERENCE as to James Hajny held on 6/21/2016. Time in court: 9:31 a.m. to 9:35 a.m. To order a transcript of this hearing please contact Steve Burch, 417-865-3869. DEFENDANT IN CUSTODY. (Burch, C. Steve) (Entered: 06/21/2016)
06/21/2016	<u>103</u>	ORDER APPOINTING COUNSEL UNDER CJA appointed in other proceedings including, but not limited to probation, supervised release hearing, material witness, grand jury witness as to Gina Hajny. Erica Mynarich appointed for the limited purposes of the subpoenaed testimony of Gina Hajny. (Attachments: # <u>1</u> CJA Notice)(Burch, C. Steve) (Entered: 06/21/2016)
06/21/2016	104	NOTICE OF HEARING as to James Hajny. <b>This is the official notice for this hearing.</b> Status Conference set for 6/27/2016 02:30 PM in MJ Courtroom, Springfield (DPR) before Magistrate Judge David P. Rush. <b>This is a TEXT ONLY ENTRY. No document is attached.</b> (Burch, C. Steve) (Entered: 06/21/2016)

		06/21/2016)
06/27/2016	<u>105</u>	Minute Entry for proceedings held before Magistrate Judge David P. Rush: STATUS CONFERENCE as to James Hajny held on 6/27/2016 Time in court: 2:32 p.m. to 2:36 p.m. To order a transcript of this hearing please contact Steve Burch, 417-865-3869. DEFENDANT IN CUSTODY. (Burch, C. Steve) (Entered: 06/27/2016)
06/28/2016	<u>106</u>	PROPOSED EXHIBIT LIST by USA as to James Hajny (Miller, Ami) (Entered: 06/28/2016)
06/28/2016	<u>107</u>	PROPOSED WITNESS LIST by USA as to James Hajny (Miller, Ami) (Entered: 06/28/2016)
06/28/2016	<u>108</u>	NOTICE of filing <i>Notice of Expert's Name, Qualifications and Subject of Testimony</i> by USA as to James Hajny (Miller, Ami) (Entered: 06/28/2016)
07/01/2016	<u>109</u>	LETTER regarding joint criminal jury trial docket commencing July 11, 2016, as to James Hajny from Chief U.S. Magistrate Judge Sarah W. Hays. (Bliss, Sue) (Entered: 07/01/2016)
07/01/2016	<u>110</u>	PROPOSED VOIR DIRE by USA as to James Hajny (Miller, Ami) (Entered: 07/01/2016)
07/01/2016	<u>111</u>	NOTICE of filing <i>GOVERNMENT'S NOTICE OF INTENTION TO ADMIT INTO EVIDENCE CERTIFIED DOMESTIC RECORDS OF REGULARLY CONDUCTED ACTIVITY UNDER FEDERAL RULES OF EVIDENCE 803(6) AND 902(11)</i> by USA as to James Hajny (Miller, Ami) (Entered: 07/01/2016)
07/05/2016	<u>112</u>	NOTICE of filing <i>Government's Notice of its Intent to Offer Evidence of Defendant's Prior Child Molestations</i> by USA as to James Hajny (Miller, Ami) (Entered: 07/05/2016)
07/05/2016	<u>113</u>	NOTICE of filing <i>GOVERNMENTS NOTICE REGARDING FEDERAL RULE OF EVIDENCE 404(b) SIMILAR PRODUCTION OF CHILD PORNOGRAPHY</i> by USA as to James Hajny (Miller, Ami) (Entered: 07/05/2016)
07/08/2016	<u>114</u>	MOTION in limine by USA as to James Hajny. Suggestions in opposition/response due by 7/25/2016 unless otherwise directed by the court. (Miller, Ami) (Entered: 07/08/2016)
07/08/2016	<u>115</u>	PROPOSED JURY INSTRUCTIONS by USA as to James Hajny (Miller, Ami) (Entered: 07/08/2016)
07/08/2016	<u>116</u>	PROPOSED EXHIBIT LIST by James Hajny (Risley, Brian) (Entered: 07/08/2016)
07/08/2016	<u>117</u>	PROPOSED WITNESS LIST by James Hajny (Risley, Brian) (Entered: 07/08/2016)
07/12/2016	<u>118</u>	Minute Entry for proceedings held before District Judge M. Douglas Harpool: PRETRIAL CONFERENCE as to James Hajny held on 7/12/2016. Sustained <u>114</u> motion in limine as to James Hajny (1). Time in court: 10:08 am to 10:41 am. To order a transcript of this hearing please contact Jeannine Rankin, 417-225-7713. (Siegert, Karen) (Entered: 07/12/2016)



07/13/2016	<u>119</u>		Amended PROPOSED WITNESS LIST by James Hajny (Risley, Brian) (Entered: 07/13/2016)
07/13/2016	<u>120</u>		PROPOSED VOIR DIRE by James Hajny (Risley, Brian) (Entered: 07/13/2016)
07/14/2016	<u>121</u>		MOTION to seal document <i>Government's Request to File Trial Brief Under Seal</i> by USA as to James Hajny. Suggestions in opposition/response due by 8/1/2016 unless otherwise directed by the court. (Miller, Ami) (Entered: 07/14/2016)
07/14/2016	126		ORDER REASSIGNING CASE as to James Hajny. Case reassigned to District Judge M. Douglas Harpool for all further proceedings. District Judge Brian C. Wimes no longer assigned to case. Signed on 7/14/2016 by Clerk of Court.(Travis, Kendra) Modified on 7/18/2016 to correct docket text (McDowell, Shelly). (Entered: 07/18/2016)
07/15/2016	<u>122</u>		PRO SE MOTION to dismiss counsel and appoint new counsel by James Hajny. Suggestions in opposition/response due by 8/1/2016 unless otherwise directed by the court. (Attachments: # <u>1</u> Envelope)(Keller, Jeanne) (Entered: 07/15/2016)
07/17/2016	<u>123</u>		PROPOSED JURY INSTRUCTIONS by James Hajny (Risley, Brian) (Entered: 07/17/2016)
07/18/2016	124		ORDER granting <u>121</u> motion to seal document as to James Hajny (1) Signed on 7/18/16 by District Judge M. Douglas Harpool. <b>This is a TEXT ONLY ENTRY. No document is attached.</b> (Howard, Linda) (Entered: 07/18/2016)
07/18/2016	<u>125</u>		TRIAL DOCUMENT (SEALED) by USA as to James Hajny <i>Trial Brief of the United States</i> (Miller, Ami) (Entered: 07/18/2016)
07/18/2016	<u>127</u>		Minute Entry for proceedings held before District Judge M. Douglas Harpool: denying <u>122</u> motion for order as to James Hajny (1); JURY TRIAL Day 1 – as to James Hajny held on 7/19/2016. Time in court: 8:35 a.m. to 5:15 p.m.. To order a transcript of this hearing please contact Jeannine Rankin, 417–225–7713. (Howard, Linda) (Entered: 07/19/2016)
07/18/2016	<u>128</u>		JURY LIST (SEALED) as to James Hajny (Howard, Linda) (Entered: 07/19/2016)
07/19/2016	<u>129</u>		GOVERNMENT'S EXHIBIT INDEX as to James Hajny. (Howard, Linda) (Entered: 07/19/2016)
07/19/2016	<u>130</u>		JURY INSTRUCTIONS GIVEN (Howard, Linda) (Entered: 07/19/2016)
07/19/2016	<u>131</u>		Minute Entry for proceedings held before District Judge M. Douglas Harpool: CHANGE OF PLEA HEARING held on 7/19/2016. Plea entered as to James Hajny (1) Nolo Contendere Count 1s,2s–3s,4s of the Superseding Indictment and consents to the forfeiture allegation. Dft cont'd in custody. Time in court: 9:04 a.m. to 9:29 a.m.To order a transcript of this hearing please contact Jeannine Rankin, 417–225–7713. (Howard, Linda) (Entered: 07/19/2016)
07/19/2016	<u>132</u>		NOTICE (SEALED) <i>Government's Factual Basis and Offer of Proof for Defendant's Nolo Contendere Plea Pursuant to Rule 11(a)</i> by USA as to James Hajny (Miller, Ami) (Entered: 07/19/2016)

07/29/2016	133		Writ of Habeas Corpus ad Testificandum issued upon Gina Hajny returned executed on 7/28/2016 as to James Hajny. This document contains original signatures of non attorneys and is being maintained in a paper file at the court.(Keller, Jeanne) (Entered: 07/29/2016)
08/12/2016	<u>134</u>		NOTICE of filing by James Hajny. Copy of NEF and Information and Instructions for Filing Pro Se Prisoner Litigation, 2255 forms and ifp affidavit form sent to def via first class mail. (Attachments: # <u>1</u> Envelope)(Schroeppel, Kerry) Docket text Modified on 8/23/2016 (Howard, Linda). (Entered: 08/12/2016)
10/19/2016			<b>NOTICE OF DOCKET MODIFICATION.</b> A modification has been made to the document filed on 10/18/2016 as Document No. 135, Presentence Investigation Report. The document has been deleted as it was illegible and will be refiled by counsel. This is a text entry only – no document is attached. (Keller, Jeanne) Modified on 10/20/2016 (Keller, Jeanne). (Entered: 10/19/2016)
10/21/2016	<u>138</u>		MOTION to vacate under 28 U.S.C. 2255 filed by James Hajny. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Exhibits)(Thoennes, Cindy) Civil case 3:16–cv–05115–MDH opened. (Entered: 10/25/2016)
10/27/2016	139		NOTICE OF HEARING as to James Hajny. <b>This is the official notice for this hearing.</b> Sentencing set for 12/8/2016 01:30 PM in DJ Courtroom 1, Springfield (MDH) before District Judge M. Douglas Harpool. Counsel who plan to argue variance under Gall v U.S. should submit a memo outlining factors which support the variance; mandatory response required.(Howard, Linda) (Entered: 10/27/2016)
11/08/2016	140		PRO SE MOTION for new trial and appoint counsel filed by James Hajny. Suggestions in opposition/response due by 11/25/2016 unless otherwise directed by the court. (Attachments: # 1 Envelope)(Travis, Kendra) (Entered: 11/15/2016)
11/17/2016			<b>NOTICE OF DOCKET MODIFICATION.</b> A modification has been made to the document filed on 11/8/16 as Document No. 140, Motion. The document has been deleted as it was filed in the incorrect case. Document will be filed in the correct case No. 16–5115–CV–SW–MDH–P. This is a text entry only – no document is attached. (Howard, Linda) (Entered: 11/17/2016)
11/21/2016	<u>141</u>		MOTION for order <i>for a Preliminary Order of Forfeiture</i> by USA as to James Hajny. Suggestions in opposition/response due by 12/8/2016 unless otherwise directed by the court. (Miller, Ami) (Entered: 11/21/2016)
11/22/2016	<u>142</u>		ORDER granting <u>141</u> motion for order for a preliminary order of forfeiture as to James Hajny (1). Signed on 11/22/16 by District Judge M. Douglas Harpool. (View, Pat) (Entered: 11/22/2016)
11/30/2016	<u>143</u>		ORDER dismissing <u>138</u> motion to vacate (2255) as premature as to James Hajny (1). Civil case 3:16–cv–05115–MDH closed. Signed on November 30, 2016 by District Judge M. Douglas Harpool. (Thoennes, Cindy) (Entered: 11/30/2016)
12/06/2016	<u>144</u>		SENTENCING MEMORANDUM (Sealed) by USA as to James Hajny (Miller, Ami) (Entered: 12/06/2016)

12/08/2016	<u>145</u>		Minute Entry for proceedings held before District Judge M. Douglas Harpool: SENTENCING held on 12/8/2016 for James Hajny (1), Time in court: 1:32 p.m to 2:05 p.m. To order a transcript of this hearing please contact Jeannine Rankin, 417-225-7713. (Howard, Linda) (Entered: 12/08/2016)
12/13/2016	<u>146</u>		JUDGMENT and COMMITMENT as to James Hajny (1), Count(s) 1s, 4s, Dft is committed to the BOP for 30 years on Counts 1 and 4 and 20 years on Counts 2 and 3 of the Superseding Indictment; followed by a Life term of supervised release on Counts 1-4 to run concurrently. No fine or JVTA. \$400 MPA; Restitution imposed in the amount of \$3,900 interest waived. Preliminary order of forfeiture is finalized and imposed. Special conditions of supervised release imposed. Court recommends sex offender treatment program at a SOMP facility and that defendant be designated to Texarkana. Dft advised of right to appeal. Dft remanded to custody. (Howard, Linda) (Entered: 12/13/2016)
12/15/2016	<u>147</u>		MOTION to vacate under 28 U.S.C. 2255 filed by James Hajny. (Attachments: # <u>1</u> Exhibits, # <u>2</u> Affidavit) Civil case 3:16-cv-05138-MDH opened. (Thoennes, Cindy) (Entered: 01/04/2017)
02/06/2017	<u>148</u>		SEALED TRANSCRIPT as to James Hajny of Criminal Jury Trial held July 18, 2016 before Judge M. Douglas Harpool. Court Reporter: Jeannine Rankin, 417-225-7713, jeannine_rankin@mow.uscourts.gov. Number of pages: 49.(Rankin, Jeannine) (Entered: 02/06/2017)
02/06/2017	<u>149</u>		ELECTRONIC TRANSCRIPT as to James Hajny of Change of Plea held July 19, 2016 before Judge M. Douglas Harpool. Court Reporter: Jeannine Rankin, 417-225-7713, jeannine_rankin@mow.uscourts.gov. Number of pages: 21. NOTICE RE: REDACTION OF TRANSCRIPTS: Within 7 calendar days of this filing, each party shall inform the Court, by filing a Notice of Redaction, of the parties' intent to redact personal data identifiers from the electronic transcript of the court proceeding. The policy is located on our website at www.mow.uscourts.gov. Please read this policy carefully. <b>NOTICE: Attorneys must contact the court reporter for copies during this 90 day period. Notice of Intent to File Redaction of Transcripts due by 2/13/2017 unless otherwise directed by the court. Release of Transcript Restriction set for 5/4/2017.</b> (Rankin, Jeannine) (Entered: 02/06/2017)
02/06/2017	<u>150</u>		SEALED TRANSCRIPT as to James Hajny of Sentencing held December 8, 2016 before Judge M. Douglas Harpool. Court Reporter: Jeannine Rankin, 417-225-7713, jeannine_rankin@mow.uscourts.gov. Number of pages: 22.(Rankin, Jeannine) (Entered: 02/06/2017)
02/16/2017	<u>151</u>		NOTICE of filing <i>Declaration of Publication</i> by USA as to James Hajny, Gina Hajny (Attachments: # <u>1</u> Certification)(Bohling, James) (Entered: 02/16/2017)
04/03/2017	<u>152</u>		MOTION for forfeiture of property <i>Final Order of Forfeiture</i> by USA as to James Hajny. Suggestions in opposition/response due by 4/17/2017 unless otherwise directed by the court. (Miller, Ami) (Entered: 04/03/2017)
04/06/2017			<b>NOTICE OF DOCKET MODIFICATION.</b> A modification has been made to the document filed on 04/06/17 as Document No. 153, Order of Forfeiture. The document has been deleted as it was filed in error. This is a text entry only – no document is attached. (McDowell, Shelly) (Entered: 04/06/2017)

04/06/2017	<u>153</u>		ORDER granting <u>152</u> motion for final order of forfeiture of property as to James Hajny (1). Signed on 4/6/17 by District Judge M. Douglas Harpool. (View, Pat) (Entered: 04/06/2017)
05/05/2017	<u>154</u>		ORDER denying <u>147</u> motion to vacate (2255) as to James Hajny (1). Civil case 3:16-cv-05138-MDH closed. Signed on May 5, 2017 by District Judge M. Douglas Harpool. (Davies, Cindy) (Entered: 05/05/2017)
05/30/2017	<u>155</u>		PRO SE Notice of Filing filed by James Hajny. (Attachments: # <u>1</u> Envelope)(Travis, Kendra) Docket text modified on 6/7/2017 (Howard, Linda). (Entered: 06/01/2017)
11/27/2017	<u>156</u>		PRO SE MOTION to compel records pertaining to criminal case filed by James Hajny. Suggestions in opposition/response due by 12/11/2017 unless otherwise directed by the court. (Attachments: # <u>1</u> Envelope)(Travis, Kendra) (Entered: 11/27/2017)
11/28/2017	157		ORDER as to James Hajny's pro se Motion to Compel his former defense attorneys to produce records pertaining to his criminal case. (Doc. 156). Counsel for defendant shall file a response to James Hajny's motion to compel on or before December 18, 2017. Copy of Order mailed to Defendant. <b>This is a TEXT ONLY ENTRY. No document is attached.</b> (Roubal, Kristen) Modified on 11/28/2017 (View, Pat). Copy of docket text Order mailed to Defendant James Hajny by U.S. Mail. (Entered: 11/28/2017)
12/06/2017	<u>158</u>		RESPONSE TO ORDER TO SHOW CAUSE byJames Hajny (Attachments: # <u>1</u> Exhibit Letter regarding discovery)(Risley, Brian) (Entered: 12/06/2017)
12/28/2017	160		ORDER as to James Hajny. James Hajny has filed a pro se motion to compel seeking records pertaining to his criminal case in the possession of his attorneys. Mr. Risley has filed a response stating he has produced all documents in Mr. Hajny's file, with the exception of documents and CDs he received from the US Attorney. (Doc. 158). The Government is ordered to respond to Hajny's motion to compel, regarding his request for information that defense counsel is prohibited from producing, within 30 days of the date of this order. Copy of order mailed to Defendant. <b>This is a TEXT ONLY ENTRY. No document is attached.</b> (Roubal, Kristen) (Entered: 12/28/2017)
01/02/2018	<u>161</u>		PRO SE MOTION for order for copy of sentencing transcript of 12/08/16 by James Hajny. Suggestions in opposition/response due by 1/16/2018 unless otherwise directed by the court. (Attachments: # <u>1</u> Envelope) NEF mailed to Defendant via USPS first class mail. (Keller, Jeanne) (Entered: 01/02/2018)
01/26/2018	<u>162</u>		SUGGESTIONS in opposition by USA as to James Hajny re <u>156</u> MOTION to compel . Reply suggestions due by 2/9/2018 unless otherwise directed by the court. (Miller, Ami) (Entered: 01/26/2018)
01/30/2018	163		ORDER granting <u>161</u> pro se motion for copy of sentencing transcript. The clerk of the court is hereby ordered to mail a copy of Doc. 150 to Defendant. Copy of Order mailed to Defendant. <b>This is a TEXT ONLY ENTRY. No document is attached.</b> (Roubal, Kristen) Modified on 1/31/2018 copy of sentencing transcript Doc. 150 mailed to Defendant James Hajny (Siegert, Karen). (Entered: 01/30/2018)
01/30/2018	<u>164</u>		

		ORDER DENYING defendant's pro se <u>156</u> motion to compel as to James Hajny (1). Copy of Order mailed to Defendant. Signed on 1/30/18 by District Judge M. Douglas Harpool. (View, Pat) (Entered: 01/30/2018)
07/30/2018	<u>165</u>	NOTICE of filing by James Hajny. (Attachments: # <u>1</u> Envelope)(Crocker, Susan) Docket Text Modified and copy request forwarded to the clerk's office on 8/21/2018 (Howard, Linda). (Entered: 08/01/2018)
10/23/2018	<u>168</u>	ORDER MODIFYING Conditions of Supervised Release as to Gina Hajny. Signed on 10/23/18 by District Judge Brian C. Wimes. (Carritt, Shelly) (Entered: 10/23/2018)
12/17/2018	<u>169</u>	PRO SE MOTION for Order to Preserve all Evidence by James Hajny. Suggestions in opposition/response due by 12/31/2018 unless otherwise directed by the court. (Attachments: # <u>1</u> Envelope)(Travis, Kendra) (Entered: 12/19/2018)
01/02/2019	<u>170</u>	ORDER as to James Hajny. U.S. District Attorney for the Western District of Missouri shall file a response to Defendant's pro se motion to preserve evidence on or before 1/23/2019. Copy of Order mailed to James Hajny. Signed on 1/2/19 by District Judge M. Douglas Harpool.(View, Pat) (Entered: 01/02/2019)
01/14/2019	<u>171</u>	PRO SE MOTION Request for copies by James Hajny. Suggestions in opposition/response due by 1/28/2019 unless otherwise directed by the court. (Attachments: # <u>1</u> Envelope)(Kern, Kendra) (Entered: 01/14/2019)
01/23/2019	<u>172</u>	SUGGESTIONS in opposition by USA as to James Hajny re <u>169</u> MOTION for order . Reply suggestions due by 2/6/2019 unless otherwise directed by the court. (Miller, Ami) (Entered: 01/23/2019)
02/04/2019	173	ORDER denying <u>171</u> motion for copies as to James Hajny (1) Signed on 2/4/19 by District Judge M. Douglas Harpool. <b>This is a TEXT ONLY ENTRY. No document is attached.</b> (Howard, Linda) (Entered: 02/04/2019)
02/22/2019	174	ORDER denying <u>169</u> Defendant's pro se motion for order to preserve all evidence. The Court has reviewed the record before the Court, and for the reasons set forth in the Government's response (Doc. 172) denies Defendant's pro se motion. Copy of Order mailed to Defendant. <b>This is a TEXT ONLY ENTRY. No document is attached.</b> (Roubal, Kristen) (Entered: 02/22/2019)
03/21/2019	<u>175</u>	PRO SE MOTION to compel counsel to produce client file by James Hajny. Suggestions in opposition/response due by 4/4/2019 unless otherwise directed by the court. (Attachments: # <u>1</u> Envelope)(Kern, Kendra) (Entered: 03/21/2019)
04/29/2019	<u>176</u>	ORDER denying <u>175</u> motion to compel as to James Hajny (1). Copy of Order mailed to Defendant. Signed on 4/29/19 by District Judge M. Douglas Harpool. (View, Pat) (Entered: 04/29/2019)
08/08/2019	<u>179</u>	PRO SE NOTICE OF APPEAL by James Hajny <u>176</u> <b>No transcripts are requested.</b> (Attachments: # <u>1</u> Exhibit 1–6, # <u>2</u> Envelope)(Kern, Kendra) (Entered: 08/09/2019)
08/19/2019	<u>180</u>	Transmission of Notice of Appeal Supplement to US Court of Appeals, 8th Circuit via electronic mail as to James Hajny to US Court of Appeals. Related

		Document <u>179</u> Notice of Appeal – Final Judgment. (Furtak, Rebecca) (Entered: 08/19/2019)
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**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHWESTERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**JAMES HAJNY,**

**Defendant.**

**Case No. 3:14-cr-05022-MDH-1**

**ORDER**

Before the Court is Defendant's pro se Motion to Compel Counsel to Produce Client File. (Doc. 175). Defendant previously filed a motion to compel seeking his former attorneys to produce records (Doc. 156) and motions for copies of records and preservation of evidence. (Docs. 161, 169 and 171).

Defendant's current motion, seeking an Order that Brian Risley return movant's case file and transcripts, has already been raised and ruled on by this Court. Mr. Risley previously filed a response to a similar motion to compel stating that he made copies of the documents in Defendant's file and provided them to Defendant before and after trial and before sentencing. (Doc. 158). The Court previously held that Defendant was given copies of any documents he is authorized to retain. However, there are certain materials Defendant is not allowed to have a copy of and Defendant was allowed to review those materials during litigation.<sup>1</sup>

Wherefore, for the reasons set forth in this Court's prior Order (Doc. 164), the Court

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<sup>1</sup> Defendant was prosecuted and sentenced for sexual exploitation of a child and receipt and distribution of child pornography.



**DENIES** Defendant's motion. (Doc. 175). Defendant is further ordered the Court will not entertain any further motions seeking the same request for these documents.

**IT IS SO ORDERED.**

Date: April 29, 2019

/s/ Douglas Harpool  
Douglas Harpool  
United States District Judge

TO THE EIGHTH CIRCUIT COURT  
OF APPEALS

JAMES HAJNY  
Appellant

Vs.

RE: 14-05022-CR-01-MDH

UNITED STATES OF AMERICA  
Appellee

MOTION TO APPEAL LOWER COURTS  
DENIAL TO DIRECT FORMER DEFENSE COUNSEL  
TO TURN OVER ENTIRE CLIENT FILE

COMES NOW, James Hajny, Appellant, Pro Se. Appellant asks this Honorable Court for an order reversing the district courts continual denial of Appellant's request for the client file which counsel has continually refused to turn over, and the court along with the AUSA has stated is a motion for discovery but clearly both motions were and in fact motions to compel counsel to turn over the entire client file which belongs to Appellant.

BACKGROUND

Over the past two (2) years, Appellant has diligently tried to obtain the entire client file which former defense counsel Brian D. Risely has in his possession since the end of Appellant's case ended but has been refused by him, and now the district court. On November 28, 2017 (doc. 156 of the above captioned case) a motion was filed which was to compel counsel to turn over the complete client file. On December 06, 2017 counsel filed a response to Appellant's motion citing that he could not turn over file because he could not turn over any discover to me due to an agreement that was made between

himself and the government on November 20, 2015, (see attached response & agreement). On January 26, 2018 the United States District Attorney's office filed a response as well, the government along with former counsel Risley contended that Appellant's motion to compel was in fact a motion for discovery. The AUSA went on to say that " [a] habeas petitioner is not entitled to discovery." As the court will note that in fact Appellant's motion never stated discovery except for what the file could contain as far as contents. Ultimately the court agreed with both former counsel and the AUSA. (see atts.).

On March 13, 2019, appellant filed a second motion which included both case law and information from the Professional Rules of Conduct which stated that former counsel was in fact required under Rule 1.16(d) to turn over the entire contents of the client file. On April 29, 2019 District Court Judge Harpool again denied appellant's motion.

The appellant who lacks any and experience or training in Standards of Law, did what any one would do and that was start researching. That is why appellant filed the second motion, also appellant has found recent case law from the 4th circuit where the court of appeals agreed with appellant that he was in fact allowed to obtain his client file even if he was going to work on a Habeas petition, that under the Rules of Professional Conduct which is mirrored from the ABA's rule states " upon written request by the [client] the lawyer shall promptly release to the [client] or [client's new lawyer] the entire file relating to the matter. The lawyer may retain a copy of the file but shall [not] condition release over issues relating to the expense of coping the file or any other reason." (see United States v. Barefoot).

Mr Risley has denied appellant his property because of an agreement which is legally no longer in affect. The agreement at hand is nothing but a threat by the government to keep needed information from a defendant when in fact the information is needed in order for the defendant to make an accurate decision based on his case.

#### CONCLUSION

In conclusion, the appellant is requesting that this Honorable court reverse the district courts ruling and direct former counsel Brian Risley to turn over the [entire contents] of appellant's client file. Appellant is aware that this too would exclude any and all [photo's] but is not limited reports, court documents filed, all transcripts, etc. All material would be

hardcopy rather than on media discs as appellant does not have the ability to access any media discs in prison.

Appellant has included all documents referenced in this motion except the original motion which was filed on November 28, 2017 (doc, 156) this document can be accessed on the court website as it is not a sealed document.

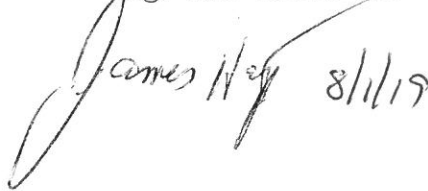
Appellant has not included the unpublished case referenced from the 4th Cir. it can be accessed online it is UNITED STATES v. BAREFOOT, 609 Fed. Appx. 157; 2015 U.S. App. Lexis 11661.

Appellant has as of July 17, 2019 been designated to another prison within 500 driving miles of my release address per the guidelines set in the First Step Act signed into law in Dec. 2018 by President Trump. Appellant is sending this before he is being transfered, please verify through BOP.gov to verify sending any and all correspondence. Appellant will notify court when and if he has arrived if he has not received anything concerning this motion from the court.

Respectfully Submitted

James Hajny

Reg. No. 26846-045

 8/1/19



Filed 12/06/17

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Criminal Action
v.	)	No. 14-05022-01 CR-DH
	)	
JAMES DANIEL HAJNY,	)	
	)	
Defendant.	)	

COUNSEL RISLEY'S RESPONSE TO MOTION TO COMPEL FILE

COMES NOW Brian D. Risley, Attorney at Law, and for his response to James Hajny's Motion to Compel File, submits the following:

I was Mr. Hajny's third appointed attorney and obtained his file from prior counsel Brady Musgrave. I believe it contained information or the file he received from counsel Michelle Law. I maintain what I have left of the file. A portion of the file I received contained reports that Mr. Hajny received when he was represented in state Court by a Public Defender on charges out of Jasper County for similar conduct as in this case. I made copies of all of those documents and previously provided them to Mr. Hajny. I also provided him with copies of pleadings and trial documents both before and after trial and before sentencing.

Much of the remaining file consists of documents and CD's I received from the US Attorney. In order to receive said discovery from them ahead of trial, I was required to sign a letter that indicates I will maintain the file, show it to Mr. Hajny, but also then keep the file or return the CD's to the US Attorney following the conclusion of the case. If I do not sign the agreement, I do not get the discovery ahead of time. If I later turn the

discovery over to my client, I then do not receive discovery in subsequent cases. Copy of letter is attached with this motion.

Mr. Hajny declined to file an appeal in this case. He did and has already filed a Motion For New Trial under 28 USC 2255. This motion was denied in an order entered and signed on May 5, 2017, by Judge Harpool of the Western District of Missouri in case #16-05138.

Respectfully submitted,

/s/ Brian D. Risley  
Brian D. Risley Bar #50580  
1441 E. Primrose St.  
Springfield, MO 65804  
(417)882-3333; fax (417)882-4444

#### CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 6<sup>th</sup> day of December, 2017 the foregoing document was filed via electronic filing using the CM/ECF system with the Clerk of the Court which sent e-mail notification of such filing to all CM/ECF participants in this case. A copy of same was also mailed to JAMES HAJNY 26846-045, Special Legal Mail: Open only in front of addressee, USP Tucson, 9300 South Wilmot Road, Tucson AZ, 85756 as well.

/s/ Brian D. Risley  
Brian D. Risley



U. S. Department of Justice

Tammy Dickinson  
United States Attorney  
Western District of Missouri

Office of the United States Attorney (417) 831-4406  
The Hammons Tower Fax (417) 831-0078  
901 St. Louis Street, Suite 500  
Springfield, Missouri 65806-2512

November 20, 2015

Brian D. Risley  
Law Office of Brian Risley  
1441 E. Primrose St  
Springfield, MO 65804  
bdrizlee@yahoo.com

Re: *United States v. James Hajny*  
Case No. 14-CR-05022

Dear Mr. Risley:

As you know, discovery in criminal cases is furnished to you with the understanding that you will not disseminate or copy the material in any fashion. You, others on your staff, and your client are free to review and otherwise work with the discovery in your office, but copies of the discovery cannot be given to your client to take out of your office, nor is the discovery or any part of it to be copied or disseminated in any manner, to include any paper or electronic reproduction. If your client is in custody, he may view the discovery in your presence; copies are not to be left with him/her.

If we learn that this agreement has been violated, we will withhold additional discovery in this case until disclosure is mandated by statute. Further, if a determination is made that the unauthorized dissemination was intentional, then this office may consider withholding discovery until mandated by statute in all future cases in which you appear as counsel of record.

In order to provide you with electronic discovery, please sign this agreement with my office regarding your promise to abide by our office policy regarding discovery material. Please read it carefully, and if you agree, sign and return it to me.

The United States Attorney's Office has experienced serious problems in the past when copies of discovery materials were provided to defendants in criminal cases. Consequently, we appreciate your complete cooperation with this policy.

It is the policy of the United States Attorney's Office for the Western District of Missouri to charge to cover discovery expenses. Please forward any checks, made payable to the United States Department of Justice to: United States Attorney's Office, 901 St. Louis, Suite 500, Springfield, MO 65806.



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2

November 20, 2015

If you choose to receive electronic discovery, and for any reason you have difficulty accessing the information, please let me know. Electronic discovery is provided as a convenience, but should you prefer, hard copies of these reports are always available for your review at my office.

If you have any questions regarding the availability of discovery, please contact me.

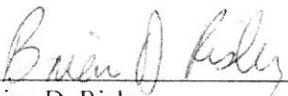
Sincerely,

Patrick Carney  
Assistant United States Attorney

I/We agree to the conditions of production stated above.

Dated

11/20/15

  
Brian D. Risley  
Law Office of Brian Risley  
Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHWESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES HAJNY,

Defendant.

Case No. 14-05022-01-CR-SW-MDH

**GOVERNMENT'S RESPONSE AND SUGGESTIONS IN OPPOSITION  
TO MOVANT'S MOTION FOR DOCUMENTS**

The respondent, the United States of America, appears through its undersigned attorneys, and respectfully requests that this Court deny movant James Hajny's motion for documents. Hajny is not entitled to the documents in his underlying criminal case for reasons as set out below by the Government.

Hajny filed a motion under § 2255, in which he claimed he received ineffective assistance of counsel. (Civ. D.E. 1.)<sup>1</sup> On March 17, 2017, Hajny filed a motion requesting any and all documents relating to his criminal case. (Civ. D.E. 12.) On April 6, 2017, the Government filed a response and suggestions in opposition to Hajny's motion requesting any and all documents, and the Court denied the request based upon the Government's opposition. (Civ. D.E. 14-15.) On May 5, 2017, this Court denied Hajny's motion to

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<sup>1</sup>"Civ. D.E." refers to the docket entries in Hajny's civil case, Case No. 16-05138-CV-SW-MDH-P.

vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255, a certificate of appealability was also denied, and the case was dismissed. (Civ. D.E. 17-18.)

Hajny has now filed another motion to compel his three prior defense counsels to “hand over records pertaining to [his] criminal case which is in their possession.” (Doc. 156.)<sup>2</sup> On December 6, 2017, Hajny’s final defense counsel, Brian Risley, filed a motion in response to Hajny’s motion to compel. (Doc. 158.) Risley informed the Court that he had the contents of the criminal files from the prior two appointed counsels, Michelle Law and Brady Musgrave. (Doc. 158 at 1.) Risley also informed the Court that he had turned over documents to Hajny; however, there are discovery documents that were provided by the Government that he had not provided to Hajny due to the conditions of the Government’s discovery policy. (Doc. 158 at 1-2.) Risley provided a copy of the discovery letter, which he signed prior to receiving discovery from the Government. (Doc 158-1.) In that letter, the Government states its policy that,

... discovery in criminal cases is furnished to you with the understanding that you will not disseminate or copy the material in any fashion... your client [is] free to review and otherwise work with the discovery in your office, but copies of the discovery cannot be given to your client to take out of your office, nor is the discovery or any part of it to be copied or disseminated in any manner, to include any paper or electronic reproduction. If your client is in custody, he may view the discovery in your presence; copies are not to be left with him/her.

(Doc. 158-1 at 1.)

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<sup>2</sup>“Doc.” refers to the docket entries in Hajny’s criminal case, Case No. 14-05022-01-CR-SW-MDH.

Hajny has made no showing as to why he would be entitled to these documents. First, “[a] habeas petitioner, unlike the usual civil litigant in federal court, is not entitled to discovery as a matter of ordinary course.” *Newton v. Kemna*, 354 F.3d 776, 783 (8th Cir. 2003) (quoting *Bracy v. Gramely*, 520 U.S. 899, 904 (1997)). The rules governing proceedings under 28 U.S.C. § 2255 provide that “[a] judge may, for good cause, authorize a party to conduct discovery under the Federal Rules of Criminal Procedure or Civil Procedure, or in accordance with the practices and principles of law.” Habeas Corpus Rule 6(a). In order to show “good cause” under Rule 6(a), a petitioner must provide the Court with “specific allegations [that] show reason to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that he is . . . entitled to relief.” *Bracy*, 520 U.S. at 908-909.

The Eighth Circuit has affirmed that there is no constitutional requirement to such materials until after the district court determined they were necessary to resolution of “a pending, non-frivolous case.” *Chapman v. United States*, 55 F.3d 390, 390-91 (8th Cir. 1995). This is the same standard required under *Bracy*. See also *Ward v. Whitley*, 21 F.3d 1355, 1367 (5th Cir. 1994) (courts should not allow prisoners to use federal discovery when the petitioner has not set out specific allegations which require discovery to litigate or for fishing expeditions or for mere speculation).

However, Hajny’s § 2255 motion has already been denied, and he has not demonstrated that he is currently in a pending proceeding which would provide him relief. When no action is pending before the court, a district court lacks jurisdiction to grant discovery. *United States v. Gleason*, 753 F.2d 83, 85 (8th Cir. 1985); see also *United States*

*v. Losing*, 601 F.2d 351, 352 (8th Cir. 1979) (under 28 U.S.C. § 753(f) and under Supreme Court authority “any request for a free transcript prior to the filing of a section 2255 complaint is premature”); *Chapman v. United States*, 55 F.3d 390, 390-91 (8th Cir. 1995) (same and citing).

Hajny has not provided the Court with any reason that his requests for documents are necessary at this stage in his case. His criminal case has concluded, his § 2255 motion has been denied, and he did not file a direct appeal to the Eighth Circuit.

Accordingly, for all of the reasons and authorities previously stated, the Government respectfully requests that this Court deny Hajny’s motion to compel. (Doc. 156.)

Respectfully submitted,

TIMOTHY A. GARRISON  
United States Attorney

By */s/ Ami Harshad Miller*

AMI HARSHAD MILLER  
Assistant United States Attorney

901 St. Louis, Suite 500  
Springfield, Missouri 65806  
Telephone: (417) 831-4406

*Attorneys for Respondent*



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was delivered on January 26, 2018, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record and mailed to the movant at:

James Hajny, *Pro Se*  
Reg. No. 26846-045  
USP Tucson  
PO Box 24550  
Tucson, Arizona 85734

/s/ Ami Harshad Miller  
Ami Harshad Miller  
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHWESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES HAJNY,

Defendant.

Case No. 3:14-cr-05022-MDH-1

ORDER

This matter is before the Court on Defendant's pro se Motion to Compel. (Doc. 156). Defendant asks the Court to order his 3 former defense attorneys to "hand over records pertaining to my criminal case." Brian Risley, Defendant's third appointed attorney, filed a response to the motion to compel. (Doc. 158). Mr. Risley states that he obtained, and then maintained, the file in this case from Defendant's prior counsel. He further states that he made copies of the documents in the file and provided them to Defendant before and after trial and before sentencing. The only documents Mr. Risley did not provide copies of to the Defendant were documents and CDs defense counsel received from the US attorney during discovery. Those documents were produced by the government subject to a signed agreement that copies of the discovery could not be given to Defendant, and further could not be copied or disseminated in any manner. Defendant was allowed to review the materials during the litigation, but he was not allowed to maintain a copy.<sup>1</sup>

The government has also responded to Defendant's motion to compel. The government

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<sup>1</sup> Defendant was prosecuted for sexual exploitation of a child and receipt and distribution of child pornography.



notes Defendant filed a § 2255 motion, which was denied. Defendant also requested any and all documents related to his criminal case during his § 2255 proceeding. Defendant's request for copies was denied. The government argues Defendant has failed to show why he would be entitled to any additional documents. This Court agrees. Further, as set forth in the government's response, Defendant has failed to demonstrate how this Court has jurisdiction to grant discovery, as there is no action pending before the Court. Defendant's criminal case has concluded, his § 2255 motion has been denied, and Defendant has appealed his § 2255 case to the Eighth Circuit.

Wherefore, for the reasons set forth in the responses to Defendant's *pro se* motion to compel, the Court **DENIES** Defendant's motion. (Doc. 156).

**IT IS SO ORDERED.**

Date: January 30, 2018

/s/ Douglas Harpool  
Douglas Harpool  
United States District Judge

IN THE DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI

James D. Hajny

movant

V.

Case no. 14-CR-05022-01-SW-MDH

United States Of America

Respondent

MOTION TO COMPEL COUNSEL TO  
PRODUCE CLIENT FILE

COMES NOW, James D. Hajny, movant pro se, in the above captioned case to move this Honorable Court for an order directing Brian David Risley Bar#50580, (former CJA appointed attorney for movant) to Return movant's case file and transcripts to him.

Movant is stipulating to this court that the present Motion is in NO WAY to be construed as a motion for discovery. Movant does not have any court actions in either the district court or the appeals court. The Motion is just as it states; A MOTION TO COMPEL ATTORNEY RISLEY TO TURN OVER THE CLIENT FILE!!!

I. BACKGROUND

Brian D. Risley, was appointed under the Criminal Justice Act to represent the movant in a federal criminal case on November 19, 2015.

On July 18, 2016, movant proceeded to trial on 4 counts, on the second day of the trial, July 19, 2016 movant requested permission from the court to take a NOLO CONTENDERE PLEA, which was opposed by the government, but granted by the court. On the morning of July 19, 2016 a Rule 11 hearing was held by District Court Judge D. Harpool.

On December 08, 2016 movant was sentenced by Judge Harpool to 100 years in federal prison. before movant was transfered to federal prison, movant had made several attempts to obtain the client file but was completely ignored by Mr. Risley. Movant has also attempted to obtain the file since being in the custody of the federal Bureau of Prisons but has again been ignored.

It is well settled that a court may order an attorney to surrender his client's files to him as in re Grand Jury Proceedings, Vargas v. United States, 727 F.2d 941, 944(10th Cir. 1984), cert. denied at 469 U.S. 819.

## II. MOVANT'S CASE FILE AND TRANSCRIPTS

As this court is aware, irrespective of whether counsel is appointed or privately retained, the case file was created on behalf of movant and the U.S. Attorney's office has been paid for it as well.

It is a well settled tenet that the case file belongs to the client and not counsel, under the Missouri Rules of Professional Conduct, and a plethora of litigation, "[A] majority of courts and state legal ethics advisory bodies considering a client's access to the attorney's file in a represeted matter, upon termination of the attorney-client relationship,... ." SEC V MCNAUL, 277 F.R.D. 439, 455; 2011 U.S. Dist. LEXIS 62932 (D.Ks 2011) (quoting SAGE

REALTY CORP. V. PROSKAUER ROSE GOETZ & MENDELSON L.L.P., 91 N.Y. 2d 30, 30. 689 N.E. 2d 879, 881-82, 666 N.Y.S. 2d 985 (N.Y. 1997). "Any ownership rights which inure in the file belong[ 's] to the client... ." in re Grand Jury Proceedings, 727 E.2d at 944; see also, NOLAN V. FOREMAN, 655 F.2d 738, 742-43; (5th Cir. 1982). ("[A] client has the right to return of his papers upon request"); In SEC V. MCNAUL, 271 F.R.D. 661(D.Ks 2010) ("the court held that upon a client's request, the former attorney was required to turn over the ENTIRE CONTENTS of the [ ] file since the file belonged to the client... ." emphasis added). (Citing RESOLUTION TRUST CORP., *infra*) (aff'd by SEC V. MCNAUL, 277 F.R.D. at 444; Also in HURR V. HARR, 2018 U.S. Dist. LEXIS 87688 (E.D. MO 2018)("client's file belongs to the client and not to the attorney representing the client... ." ) citing MCVEIGH V. FLEMING, 410 S.W. 3d 287, 289 (MO. CT. App. 2013).

I could go on with citing the abundance of case law on this subject but I will not waste the courts time.

Also, if the movant's former counsel wishes to retain copies of portions of the file, he may do so at his expense as cited in RESOLUTION TRUST CORP., 128 F.R.D. at 648.

In the instant case, certified transcripts were prepared and provided to counsel. In any event if transcripts were prepared, they are now part of movant's file and should also be turned over.

### III. RELIEF SOUGHT

James D. Hajny seeks an order from this Honorable Court directing Brian D. Risley to provide his entire client file, including, but not limited to, notes, memoranda, letters, pay vouchers, Compact discs, and other documents, etc.

IV. CONCLUSION

Therefore, for the foregoing reasons Mr. James D. Hajny respectfully requests that this court Grant this motion.

Date 3/8/19

Respectfully Submitted,

James D. Hajny



HH. 6816

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHWESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES HAJNY,

Defendant.

Case No. 3:14-cr-05022-MDH-1

ORDER

Before the Court is Defendant's pro se Motion to Compel Counsel to Produce Client File. (Doc. 175). Defendant previously filed a motion to compel seeking his former attorneys to produce records (Doc. 156) and motions for copies of records and preservation of evidence. (Docs. 161, 169 and 171).

Defendant's current motion, seeking an Order that Brian Risley return movant's case file and transcripts, has already been raised and ruled on by this Court. Mr. Risley previously filed a response to a similar motion to compel stating that he made copies of the documents in Defendant's file and provided them to Defendant before and after trial and before sentencing. (Doc. 158). The Court previously held that Defendant was given copies of any documents he is authorized to retain. However, there are certain materials Defendant is not allowed to have a copy of and Defendant was allowed to review those materials during litigation.<sup>1</sup>

Wherefore, for the reasons set forth in this Court's prior Order (Doc. 164), the Court

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<sup>1</sup> Defendant was prosecuted and sentenced for sexual exploitation of a child and receipt and distribution of child pornography.



**DENIES** Defendant's motion. (Doc. 175). Defendant is further ordered the Court will not entertain any further motions seeking the same request for these documents.

**IT IS SO ORDERED.**

Date: April 29, 2019

/s/ Douglas Harpool  
Douglas Harpool  
United States District Judge

⇒ 26846-045 ⇒

James Hajny  
Reg No. 26846-045  
United States Penitentiary Tucson  
Po Box 24550  
Tucson, AZ 85734  
United States

SCREENED BY

U.S. MARSHAL

RECEIVED

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CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF MO  
KANSAS CITY, MO



⇒ 26846-045 ⇒

U S District Court  
Clerk of The Court  
400 E 9TH ST  
KANSAS CITY, MO 64106  
United States

*Legal Mail*  
*Legal Documents*  
*To be filed*  
*Urgent*

14-5022  
MDH

**U.S. COURT OF APPEALS - EIGHTH CIRCUIT  
NOA SUPPLEMENT**

Case Name: USA v. James Hajny  
Case Number: 3:14-cr-05022-MDH-1

Please return files and documents to: U.S. District Court  
1400 U.S. Courthouse  
222 John Q. Hammons Parkway  
Springfield, MO 65806  
417/865-3869

Person to contact with questions about this appeal: Springfield Clerk's Office

Length of Trial: 1 day

Financial Status: Fee Paid: NO  
If NO, has IFP been granted: YES, CJA Brian Risley  
Is there a pending motion for IFP? NO

Counsel: Plaintiff: USA  
Ami Miller  
United States Attorney's Office-Spgfd  
901 St. Louis Street, Suite 500  
Springfield, MO 65806-2511  
(417)-831-4406  
Defendants: James Hajny  
Brian Risley  
Law Office of Brian Risley  
1441 E. Primrose Street  
Springfield, MO 65804  
(417) 882-3333

Are there any other pending post-judgment motions: NO

Is there keen local interest in this case?: NO

Do you recommend a simultaneous opinion release? NO

Is there a court reporter in this case? Yes  
Kerry Schroepel, 417-865-3869  
Karen Siegert- 417-225-7701  
Steve Burch- 417-865-3869  
Jeannine Rankin- 417-225-7713

**Special Comments:**  
**Criminal Cases Only:**

Is defendant incarcerated: Yes

Please list all other defendants in this case if there were multiple defendants: (2) Gina Hajny